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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,456	07/13/2004	Douglas A. Kemp	27475/05432	4455

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EXAMINER

LE, HUYEN D

ART UNIT	PAPER NUMBER
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3751

MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,456	Applicant(s) KEMP ET AL.	
	Examiner Huyen Le	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34,37-39,44-53 and 56-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34,37-39,44,46-48,50,56,57 and 59-62 is/are rejected.
- 7) ☒ Claim(s) 49,51-53 and 58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/25/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 34, 37-39, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated Long (4,185,811).

The Long reference discloses a removable clamp comprising: a first arm assembly 8 capable of contacting a first side of a exposed tub wall, a second arm assembly 7 capable of contacting a second side of said exposed tub wall; a ratcheting mechanism 13; and a handle assembly 2, wherein at least a portion of said handle assembly is capable of operable to be positioned above and between said first side and said second side of said exposed tub wall when said first arm assembly contacts said first side and said second arm assembly contacts said second side; wherein said first arm assembly is coupled to said second arm assembly by said ratcheting mechanism; wherein said first arm assembly is fixed relative to said ratcheting mechanism; wherein said second arm assembly is operable to move toward said first arm assembly via said ratcheting mechanism; and wherein said ratcheting mechanism restricts movement of said second arm assembly away from said first arm assembly and allows movement of said second arm assembly toward said first arm assembly; wherein said first arm assembly is fixed relative to said ratcheting mechanism.

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Regarding claim 37, the removable clamp comprising a clamp assembly 4, wherein the clamp assembly is connected to said ratcheting mechanism 13, and wherein actuating said clamp assembly causes said second arm assembly to move toward said first arm assembly.

Regarding claim 38, the clamp assembly 4 is operable to convert a rotational force into an increased linear force for moving said second arm assembly 7 toward said first arm assembly 8.

Regarding claim 39, the clamp assembly includes a lever 4 coupled to a cam (i.e. the transverse portion where the rod 15 is connected) in contact with said first arm assembly, wherein said cam is configured to redirect and multiply a force placed on a portion of said lever distal to said cam to rotate said lever, and wherein said force used to actuate said lever is redirected to displace said second arm assembly in a linear manner toward said first arm assembly.

Regarding claim 44, the handle assembly includes a first handle 2 and a second handle 3, wherein said first handle 2 is located above and connects a first pair of vertical posts (the tubular portions located between members 2 and 3), and wherein said second handle 3 is located above and connects a second pair of vertical posts (the tubular portions located between members 3 and 8 and 6).

3. Claims 34, 37-39, 44-48, 50, 56, 57, 59-62 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated Maki (2,156,186)

The Maki reference discloses a removable clamp comprising: a first arm assembly 10, a second arm assembly 13; a ratcheting mechanism 28,29; and a handle

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assembly 11, wherein at least a portion of said handle assembly is capable of operable to be positioned above and between said first side and said second side of said exposed tub wall when said first arm assembly contacts said first side and said second arm assembly contacts said second side; wherein said first arm assembly is coupled to said second arm assembly by said ratcheting mechanism; wherein said first arm assembly is fixed relative to said ratcheting mechanism; wherein said second arm assembly is operable to move toward said first arm assembly via said ratcheting mechanism; and wherein said ratcheting mechanism restricts movement of said second arm assembly away from said first arm assembly and allows movement of said second arm assembly toward said first arm assembly; wherein said first arm assembly is fixed relative to said ratcheting mechanism.

Regarding claim 37, the removable clamp comprising a clamp assembly 22,23 wherein the clamp assembly is connected to said ratcheting mechanism 19, and wherein actuating said clamp assembly causes said second arm assembly to move toward said first arm assembly.

Regarding claim 38, the clamp assembly 22,23 is operable to convert a rotational force into an increased linear force for moving said second arm assembly toward said first arm assembly.

Regarding claim 39, the clamp assembly 22,23 includes a lever 23 coupled to a cam 22 in contact with said first arm assembly, wherein said cam is configured to redirect and multiply a force placed on a portion of said lever distal to said cam to rotate

said lever, and wherein said force used to actuate said lever is redirected to displace said second arm assembly in a linear manner toward said first arm assembly.

Regarding claim 45, the ratcheting mechanism 28,29 includes a locking member 19 and a locking plate 29, wherein said locking member 19 includes a plurality of teeth 28, and wherein said locking plate selectively engages said teeth to restrict movement of said second arm assembly away from said first arm assembly and allow movement of said second arm assembly toward said first arm assembly.

Regarding claim 46, a length of said locking member 19 is substantially greater than a height of said locking member.

Regarding claim 47, a length of said locking member is substantially greater than a width of said locking member.

Regarding claim 48, a height of said locking member is greater than a width of said locking member.

Regarding claim 50, the removable tub grip comprises a locking plate release mechanism 31, wherein said locking plate release mechanism 31 is operable to disengage said locking plate from said teeth to allow movement of said second arm assembly away from said first arm assembly.

Regarding claim 56, each of the plurality of teeth is tooth having a first edge portion and a second edge portion.

Regarding claim 57, said tooth has a characteristic angle defined by an intersection of said first edge portion and said second edge portion at a peak of said tooth.

Allowable Subject Matter


4. Claims 49, 51-53, 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Huyen Le
Primary Examiner
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